REMARKS

Pursuant to a restriction requirement, claims 1-20 have been canceled without prejudice and disclaimer. Claims 21-46 are currently pending in the subject application and are presently under consideration. Claims 21 and 24 have been amended herein. New claims 27-46 which depend from claim 21 have been added. No new matter has been introduced.

If claims 21-26 are allowed, Applicants will request rejoinder of the unelected method claims, now written as claims 27-46, but in better form for rejoinder. It is noted that MPEP 821.04 specifies that, where product and process claims are presented in the same application, and if product claims are elected in a Restriction Requirement, after a product claim is found allowable, withdrawn process claims which depend from or include all the limitations of the allowable product claim will be rejoined.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 21-23 Under 35 U.S.C. §102(b)

Claims 21-23 have been rejected under 35 U.S.C. §102(b) as being anticipated by Auda *et al.* (US 5,223,914). Withdrawal of the rejection is respectfully requested in view of at least the following reasons.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

As indicated above, claim 21, from which claims 22 and 23 depend, has been amended in part and includes a chamber for patterning a first coating formed on a substrate surface, the first coating comprising a resist material; a first dispenser that deposits a second coating over the patterned first coating and exposed portions of the substrate surface; a planarization component that removes uppermost portions of the second coating to make the second coating

level with the patterned first coating, **the second coating being an inverse pattern of the patterned first coating**; and a second dispenser that deposits a **developer over the first and second coatings that removes the patterned first coating while leaving the second coating** to form a pattern **on the substrate that is approximately an inverse pattern of the patterned first coating**.

The Examiner contends that cited portions of the background section of Auda *et al.* anticipate the subject invention; however the Applicants respectfully disagree. Auda *et al.* does not disclose a second coating formed over a patterned first coating and removal of portions of the second coating to yield an inverse pattern of the patterned first coating as recited in the subject invention. Rather, Auda *et al.* merely teaches exposing a top resist with UV radiation and then applying standard KOH solution to leave the desired remaining portion or pattern. More specifically, Auda *et al.* fails to disclose a system or any component parts that facilitate creating an inverse resist pattern using a first and a second coating of material(s) as required by the subject invention.

Consequently, because Auda *et al.* does not disclose each and every element of the subject invention, the rejection should be withdrawn.

II. Rejection of Claim 24 Under 35 U.S.C. §103(a)

Claim 24 has been rejected under 35 U.S.C. §103(a) over Auda *et al.* in view of Kamon (US 6,737,198). Withdrawal of the rejection is respectfully requested in view of at least the following reasons.

To reject claims in an application under §103, an examiner must establish a prima facie case of obviousness. A prima facie case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or

suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Furthermore, the Federal Circuit has consistently held that

> ...'virtually all [inventions] are combinations of old elements.' Therefore an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be 'an illogical and inappropriate process by which to determine patentability.' *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453 (Fed. Cir. 1998) (citations omitted).

Claim 24 depends from independent claim 21. As discussed in the previous section, Auda *et al.* fails to disclose the invention as recited in claim 21. Kamon fails to make up for the aforementioned deficiencies of Auda *et al.* In particular, Kamon is relied upon for its apparent teaching of performing CMP in a photomask fabrication method to form a shade pattern. However, Kamon does not teach or suggest a system or any component parts that facilitate creating an inverse resist pattern using a first and a second coating of material(s) as required by the present invention.

More specifically, Kamon fails to teach or suggest a chamber for patterning a first coating formed on a substrate surface, the first coating comprising a resist material; a first dispenser that deposits a second coating over the patterned first coating and exposed portions of the substrate surface; a planarization component that removes uppermost portions of the second coating to make the second coating level with the patterned first coating, the second coating being an inverse pattern of the patterned first coating; and a second dispenser that deposits a developer over the first and second coatings that

removes the patterned first coating while leaving the second coating to form a pattern on the substrate that is approximately an inverse pattern of the patterned first coating. In fact, no where in Kamon are inverse patterns of a resist pattern, or formations thereof, taught or suggested. Since Kamon does not discuss inverse patterns of a resist pattern, one skilled in the art would not have been motivated to practice the inverse resist coating methods of the subject invention.

Because both Auda *et al.* and Kamon fail to teach or suggest the inverse coating systems and methods, Auda *et al.* together with Kamon do not teach or suggest the subject invention. Consequently, it would not have been obvious to one skilled in the art to combine Auda *et al.* with Kamon to perform the claimed invention at the time the invention was made. In view of the foregoing, the rejection should be withdrawn.

III. Rejection of Claims 25 and 26 Under 35 U.S.C. §103(a)

Claims 25 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Auda *et al.* in view of Suzuki (US 6,492,068). Withdrawal of the rejection is respectfully requested in view of at least the following reasons.

Claims 25 and 26 depend from independent claim 21. As discussed in Section I, *supra*, Auda *et al.* fails to disclose the invention as recited in claim 21. Suzuki fails to make up for the aforementioned deficiencies of Auda *et al.* In particular, Suzuki is relied upon for its apparent teaching of performing an etching or trim etching method to obtain particular lateral dimensions during the production of semiconductor devices. However, Suzuki does not teach or suggest a system or any component parts that facilitate creating an inverse resist pattern using a first and a second coating of material(s) as required by the present invention.

More specifically, Suzuki fails to teach or suggest a chamber for patterning a first coating formed on a substrate surface, the first coating comprising a resist material; a first dispenser that deposits a second coating over the patterned first coating and exposed portions of the substrate surface; a planarization component that removes uppermost portions of the second coating to make the

second coating level with the patterned first coating, the second coating being an inverse pattern of the patterned first coating; and a second dispenser that deposits a developer over the first and second coatings that removes the patterned first coating while leaving the second coating to form a pattern on the substrate that is approximately an inverse pattern of the patterned first coating. In fact, no where in Suzuki are inverse patterns of a resist pattern or formation thereof taught or suggested as required by the subject invention.

Both Auda *et al.* and Suzuki, either individually or combined, fail to teach or suggest the inverse coating systems and methods of Applicants' invention. Consequently, it would not have been obvious to one skilled in the art to combine Auda *et al.* with Suzuki to perform the subject invention. In view of the foregoing, the rejection should be withdrawn.

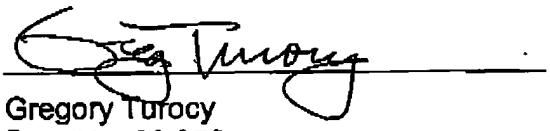
VIII. Conclusion

The present application is believed to be condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
AMIN & TUROCY, LLP



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